

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 27<sup>th</sup> DAY OF JUNE, 2011 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

|          |                    |                                  |
|----------|--------------------|----------------------------------|
| PRESENT: | James D. Politis   | -Chair                           |
|          | William H. Brown   | -Vice Chair                      |
|          | Mary W. Biggs      | -Supervisors                     |
|          | Gary D. Creed      |                                  |
|          | Doug Marrs         |                                  |
|          | John A. Muffo      |                                  |
|          | F. Craig Meadows   | -County Administrator            |
|          | L. Carol Edmonds   | -Assistant County Administrator  |
|          | Martin M. McMahon  | -County Attorney                 |
|          | Steve Sandy        | -Planning Director               |
|          | Dari Jenkins       | -Zoning Administrator            |
|          | Ruth L. Richey     | -Public Information Officer      |
|          | Vickie L. Swinney  | -Secretary, Board of Supervisors |
| ABSENT:  | Annette S. Perkins | -Supervisors                     |

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- |                  |     |   |
|------------------|-----|---|
| Section 2.2-3711 | (3) | Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body |
|                  |     | 1. Old Blacksburg Middle School Property  |

The vote on the foregoing motion was as follows:

| <u>AYE</u>       | <u>NAY</u> | <u>ABSENT</u>      |
|------------------|------------|--------------------|
| Gary D. Creed    | None       | Annette S. Perkins |
| William H. Brown |            |                    |
| Mary W. Biggs    |            |                    |
| Doug Marrs       |            |                    |
| John A. Muffo    |            |                    |
| James D. Politis |            |                    |

### **OUT OF CLOSED MEETING**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

| <u>AYE</u>       | <u>NAY</u> | <u>ABSENT</u>      |
|------------------|------------|--------------------|
| William H. Brown | None       | Annette S. Perkins |
| Mary W. Biggs    |            |                    |
| Doug Marrs       |            |                    |
| John A. Muffo    |            |                    |
| Gary D. Creed    |            |                    |
| James D. Politis |            |                    |

### **CERTIFICATION OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

## VOTE

### AYES

Mary W. Biggs  
Doug Marrs  
John A. Muffo  
Gary D. Creed  
William H. Brown  
James D. Politis

### NAYS

None

### ABSENT DURING VOTE

Annette S. Perkins

### ABSENT DURING MEETING

Annette S. Perkins

## INVOCATION

A moment of silence was led by the Chair.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

## PUBLIC HEARINGS

### Intent to Sell and Convey County Property – Former Elliston Fire Station

**Board of Supervisors' intent to sell and convey 0.105 acre located at 1870 Big Spring Drive,** in the Shawsville Magisterial District, identified as Tax Parcel No. 59A-A-31, the former Elliston Fire Station property, to Mountain Valley Charitable Foundation.

The County Attorney provided an overview of the County's intention to sell the former Elliston Fire Station property to Mountain Valley Charitable Foundation (MVCF). Mountain Valley Charitable Foundation intends to convert the former fire station into a YMCA Thrift Shop.

Malvin "Pug" Wells spoke in support of selling the former Elliston Fire Station to MVCF. He believes this is a great opportunity for the entire community. Mr. Wells also stated it is a great idea to renovate a useful building for future use.

Berkly Simmons spoke in support of selling the property. He believes MVCF will do a fine job in the renovation of the old fire station and it will benefit the community.

There being no further speakers, the public hearing was closed.

Intent to Sell and Convey County Property – Portions of 2366 Den Hill Road

**Board of Supervisors' intent to sell and convey 0.339 acres and a 0.636 acre drainage easement located at 2366 Den Hill Drive**, in the Shawsville Magisterial District, identified as a portion of Tax Parcel No. 081-A-14 to VDOT for the I-81 Road Widening Project.

The County Attorney explained that the Virginia Department of Transportation is requesting to purchase 0.339 acres of County property located on Den Hill Road for their I-81 Truck Climbing project. Since this property is not useful; there is no benefit in the County keeping it.

There being no speakers, the public hearing was closed.

Special Use Permit – Randall W. Slusser and Virginia D. Slusser

**A request by Randall W. Slusser and Virginia D. Slusser for a Special Use Permit on 5.023 acres in an Agriculture (A-1) zoning district to allow for one additional lot assignment than the total permitted by the sliding scale for the purpose of allowing a family subdivision.** The property is located at 4840 Natures Way Road and is identified as Tax Parcel No. 19-3-12 (Acct # 016766) in the Mount Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the 2025 Comprehensive Plan.

Steve Sandy, Planning Director, provided an overview of the special use permit request. The applicant is requesting permission to create an additional 1.050 acre lot for a family member on 5.023 acres.

The property is under a private deed restriction which states the property shall not be subdivided. The Planning Commission had concerns about making a favorable recommendation based upon a private deed restriction that prohibited further subdivision of the property. The majority of the Planning Commission members could not support approval which would violate a known deed restriction. Therefore, at their June 8, 2011 meeting, the Planning Commission recommended denial of the request.

There being no speakers, the public hearing was closed.

Ordinance Amending Chapter 10, Zoning, Qualifying Land and Definition

**An Ordinance Amending Chapter 10, Entitled Zoning, Sections 10-25, 10-26, 10-27, 10-33, 10-35 and 10-36 of the Code of the County of Montgomery, Virginia by Adding Land Located in the Urban Development Areas to the List of Qualifying Lands in the Residential R-2, R-3, RM-1 Districts, in the Planned Industrial (PIN), Planned Unit Development (PUD) and the Planned Mobile Home Residential Park (PMR) Districts and Section 10-61 of the Code of the County of Montgomery, Virginia, By Adding And /Or Modifying the Definitions of the Following Terms: Alley, Financial Services, Green, Natural Area/Preserve, Park and Square / Plaza.**

Dari Jenkins, Zoning Administrator, provided a brief summary of the proposed ordinance amendments. Ms. Jenkins explained that with the inclusion of the Urban Development Areas in the Zoning Ordinance there is a need to modify the definitions within the qualifying lands in all zoning districts. This will maintain consistency between the zoning ordinance and the comprehensive plan.

At their June 8, 2011 meeting, the Planning Commission recommended approval of the ordinance amendment.

There being no speakers, the public hearing was closed.

Ordinance Amending Article IV, Chapter 10, Zoning, Section 10-45, LED Changeable Message Signs - **An Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-45, by incorporating regulations regarding LED/Changeable Message Signs; amending the sign matrix to allow directory signage and incorporate regulations for the proposed TND-I and TND-PUD districts; incorporated allowances for “shopping center” for retail spaces with walls up to one-thousand (1,000) square feet; incorporating regulations for Mixed-Use Developments and Business Parks; incorporating regulations regarding off-premise signs for semipublic uses, community signs, subdivision signs, and signs for church, chapel, synagogue, temple or other place of worship; and including a special use permit to allow an increase in sign area to be granted by the Board of Zoning Appeals.**

Dari Jenkins, Zoning Administrator, provided a brief summary of the proposed ordinance amendments. The purpose of these regulations is to regulate all signs placed for exterior observance, thus ensuring the conservation of property values, the consideration of the character of the various communities, the protection of safety and welfare of pedestrians and wheeled traffic, the provision of convenience to citizens and the encouragement of economic development. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein is intended to be an integral but accessory and subordinate part of the principal use of land or building.

These regulations are intended to promote signs that are appropriate to the activity to which they pertain and are constructed and maintained in a structurally sound and attractive condition.

The regulations of this chapter are not intended to interfere with, abrogate or annul any law of the state relating to outdoor advertising or to prevent application of the county's higher/stricter regulations.

At their June 8, 2011 meeting, the Planning Commission recommended approval of the ordinance amendment.

There being no speakers, the public hearing was closed.

Ordinance Amending Chapter 10, Entitled Zoning, Section 10-52(3)

**An ordinance amending Chapter 10, entitled Zoning, Section 10-52 (3) (b) of the Code of the County of Montgomery, Virginia, by deleting the requirement that a person applying to the Board of Supervisors, Planning Commission or Board of Zoning Appeals on a planning or zoning matter shall post a placard notice notifying the public of the place and time of a public hearing regarding the property.**

The County Attorney explained that the amendment is due to a ruling by the courts in Nelson County after a developer challenged the placement of placards. The courts agreed that the locality did not have the authority to make a property owner/applicant post a placard notifying the public of a public hearing regarding the property. This matter was taken up at the General Assembly and was defeated; therefore, localities do not have the authority to include in their Zoning Ordinance the requirement that placards are to be posted.

The County Attorney recommends that placards still be posted to notify the public of upcoming public hearings regarding zoning matters. He stated that it would fall back on county staff to place the placards and bear the expenses in purchasing the placards.

At their June 8, 2011 meeting, the Planning Commission recommended approval of the ordinance amendment and also recommended that the County consider initiating fees to cover the costs and the placards and staff time for installation.

There being no speakers, the public hearing was closed.

**PUBLIC ADDRESS**

There being no speakers, the public address session was closed.

**CONSENT AGENDA**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated June 27, 2011 was approved.

The vote on the foregoing motion was as follows:

| <u>AYE</u>       | <u>NAY</u> | <u>ABSENT</u>      |
|------------------|------------|--------------------|
| Doug Marrs       | None       | Annette S. Perkins |
| John A. Muffo    |            |                    |
| Gary D. Creed    |            |                    |
| William H. Brown |            |                    |
| Mary W. Biggs    |            |                    |
| James D. Politis |            |                    |

### **Approval of Minutes**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the minutes dated January 10, 2011 were approved.

### **Appropriations and Transfers**

#### **A-FY-11-110 CIRCUIT COURT JURY REIMBURSEMENTS**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

|     |                        |         |
|-----|------------------------|---------|
| 210 | Circuit Court - Juries | \$2,100 |
|-----|------------------------|---------|

The source of the funds for the foregoing appropriation is as follows:

| <u>Revenue Account</u> |                     |
|------------------------|---------------------|
| 419122                 | Jury Reimbursements |
|                        | \$2,100             |

Said resolution appropriates the state's portion of jury payments for criminal cases.

#### **A-FY-11-111 COMMONWEALTH'S ATTORNEY FORFEITED ASSET SHARING PROGRAM**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

|     |                         |      |
|-----|-------------------------|------|
| 200 | Commonwealth's Attorney | \$78 |
|-----|-------------------------|------|

The source of the funds for the foregoing appropriation is as follows:

|                        |               |
|------------------------|---------------|
| <u>Revenue Account</u> |               |
| 419104                 | Confiscations |
|                        | \$78          |

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**A-FY-11-112**  
**MONTGOMERY-FLOYD REGIONAL LIBRARY**  
**RECOVERED COSTS**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011 for the function and in the amount as follows:

|     |                  |                 |
|-----|------------------|-----------------|
| 710 | Regional Library | \$11,463        |
| 720 | Floyd Library    | <u>\$ 6,816</u> |
|     | Total            | \$18,279        |

The sources of funds for the foregoing appropriation are as follows:

|                        |                        |
|------------------------|------------------------|
| <u>Revenue Account</u> |                        |
| 415211                 | Sale of Photocopies    |
|                        | \$ 8,264               |
| 416151                 | Library Fines          |
|                        | \$ 427                 |
| 416152                 | Library Fees           |
|                        | \$ 1,096               |
| 416156                 | Floyd Contribution     |
|                        | \$ 113                 |
| 416157                 | Town of Floyd          |
|                        | \$ 3,000               |
| 416158                 | Lost Damaged Materials |
|                        | \$ 2,580               |
| 419108                 | Recovered Costs        |
|                        | <u>\$ 2,799</u>        |
|                        | Total                  |
|                        | \$18,279               |

Said resolution appropriates recovered costs and additional fee revenue for use by the Library.



**A-FY-11-113**  
**SHERIFF**  
**RECOVERED COSTS**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

|     |                           |               |
|-----|---------------------------|---------------|
| 321 | Sheriff County            | \$ 3,675      |
| 322 | Sheriff Project Lifesaver | <u>\$ 245</u> |
|     | Total                     | \$ 3,920      |

The sources of the funds for the foregoing appropriation are as follows:

| <u>Revenue Account</u> |                   |               |
|------------------------|-------------------|---------------|
| 419108                 | Recovered Costs   | \$ 925        |
| 419104                 | Confiscations     | \$ 2,750      |
| 424401                 | Project Lifesaver | <u>\$ 245</u> |
|                        | Total             | \$ 3,920      |

Said resolution appropriates recovered costs, money received from the Department of Criminal Justice Services Asset Forfeitures, and Project Lifesaver funds.

**A-FY-11-114**  
**ECONOMIC DEVELOPMENT**  
**TRANSFER FROM GENERAL CONTINGENCIES**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

|                |                       |            |
|----------------|-----------------------|------------|
| <u>FROM:</u>   |                       |            |
| 950            | General Contingencies | (\$60,495) |
| <br><u>TO:</u> |                       |            |
| 810            | Economic Development  | \$60,495   |

Said resolution transfers funds from General Contingencies to Economic Development to reimburse the Economic Development Authority for costs associated with the Falling Branch Corporate Park, old Blacksburg Middle School, and postage for tourism packets.

**R-FY-11-133**  
**FINAL PLAT**  
**THE PRESERVE AT WALNUT CREEK SUBDIVISION**  
**LOTS 36-48**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, This phase of The Preserve at Walnut Creek Subdivision consists of 13 lots (lots 36-48) located off Houchins Road (SR 758) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, A subdivision plat entitled "Plat of Major Subdivision of Lots 36-48, The Preserve at Walnut Creek being Tax Parcel Nos. 80-9-C Prepared for Blue Ridge Development Group, LLC" (Gay and Neel, Inc. Job No. 1803.5 dated 4/19/11); and

WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions; and

WHEREAS, The Montgomery County Code, Section 8-157 provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners association whereby the association assumes all liability for the maintenance and operation of the stormwater detention facilities; and

WHEREAS, The developer of The Preserve at Walnut Creek Subdivision, Lots 36-48, has agreed that said responsibility shall be assumed by the homeowners association.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of The Preserve at Walnut Creek Subdivision, Lots 36-48 (Gay and Neel, Inc. Job No. 1803.5 dated 04/19/11), Shawsville Magisterial District.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

**R-FY-11-134**  
**APPOINTMENT**  
**PARKS AND RECREATION COMMISSION**  
**DAVID HARDING**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **David Harding**, who resides in District D, to the **Parks and Recreation Commission** effective June 28, 2011 and expiring June 27, 2014.

**INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BET IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Old Blacksburg Middle School Master Plan

The vote on the foregoing motion was as follows:

| <u>AYE</u>       | <u>NAY</u> | <u>ABSENT</u>      |
|------------------|------------|--------------------|
| John A. Muffo    | None       | Annette S. Perkins |
| Gary D. Creed    |            |                    |
| William H. Brown |            |                    |
| Mary W. Biggs    |            |                    |
| Doug Marrs       |            |                    |
| James D. Politis |            |                    |

**Old Blacksburg Middle School Master Plan**

The County Administrator reported that the OBMS Master Plan is included on the agenda under New Business for the Board's consideration. The Town of Blacksburg is planning to take action at their June 28, 2011 meeting. The County Administrator thanked everyone involved for working together to develop a master plan for this site.

**OUT OF WORK SESSION**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

| <u>AYE</u>       | <u>NAY</u> | <u>ABSENT</u>      |
|------------------|------------|--------------------|
| Gary D. Creed    | None       | Annette S. Perkins |
| William H. Brown |            |                    |
| Mary W. Biggs    |            |                    |
| Doug Marrs       |            |                    |
| John A. Muffo    |            |                    |
| James D. Politis |            |                    |

## **NEW BUSINESS**

### **R-FY-11-135**

#### **A RESOLUTION APPROVING A MASTER PLAN FOR THE REDEVELOPMENT OF THE OLD BLACKSBURG MIDDLE SCHOOL PROPERTY**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Montgomery County School Board, after the School Board declared the property surplus, conveyed to the County of Montgomery (the “County”) a twenty acre site in downtown Blacksburg that is commonly referred to as the Old Blacksburg Middle School Property (“the Old BMS Property”); and

WHEREAS, It is the intent of the County to sell the Old BMS Property for redevelopment and use the proceeds from the sale to help fund school construction projects; and

WHEREAS, The County and the Town of Blacksburg (the “Town”) have worked together with assistance from Arnett Muldrow and Associates, Mahan Rykiel Associates, and The Eisen Group to develop a Master Plan for the site; and

WHEREAS, In developing the Master Plan the community provided input on the redevelopment of the Old BMS Property at numerous public meetings, including a meeting on April 3, 2011, a design workshop on April 4, 2011, an open house and a joint work session with the Town Council on May 17, 2011 and Board of Supervisors meetings held on May 9, June 13, and June 27, 2011; and

WHEREAS, The purpose of the Master Plan is to provide guidance for policy makers, potential purchasers, developers, and citizens as to the shared vision of the Town and County on the future development of the Old BMS Property; and

WHEREAS, The Master Plan envisions a high-quality mixed use development that will require significant public investment by the Town in order to implement the Plan.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves and adopts the Old Blacksburg Middle School Property Master Plan, dated June 24, 2011, as presented to the Board

as the official Master Plan to guide the County and the Town in the future redevelopment of the Old BMS Property; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board agrees that the Master Plan reflects the shared vision of the Montgomery County Board of Supervisors and the Blacksburg Town Council and that all requests for rezoning or other land use approvals required for the redevelopment of the Property shall be evaluated for consistency with the Master Plan and the improvements and facilities shown on the Master Plan; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Master Plan may require periodic updates and changes and that the Master Plan shall be revised to reflect approved development and updates as needed to preserve the Plan's utility as a guide for the redevelopment of the Old BMS Property.

The vote on the foregoing motion was as follows:

| <u>AYE</u>       | <u>NAY</u> | <u>ABSENT</u>      |
|------------------|------------|--------------------|
| William H. Brown | None       | Annette S. Perkins |
| Mary W. Biggs    |            |                    |
| Doug Marrs       |            |                    |
| John A. Muffo    |            |                    |
| Gary D. Creed    |            |                    |
| James D. Politis |            |                    |

**R-FY-11-136**  
**REVISIONS TO THE COUNTY'S**  
**PERSONNEL POLICES AND PROCEDURES**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves and authorizes the changes to the County's Personnel Policies and Procedures dated June 2011.

The vote on the foregoing resolution was as follows:

| <u>AYE</u>       | <u>NAY</u> | <u>ABSENT</u>      |
|------------------|------------|--------------------|
| Mary W. Biggs    | None       | Annette S. Perkins |
| Doug Marrs       |            |                    |
| John A. Muffo    |            |                    |
| Gary D. Creed    |            |                    |
| William H. Brown |            |                    |
| James D. Politis |            |                    |

**R-FY-11-137**  
**RESOLUTION TO IRREVOCABLY ELECT**  
**NOT TO PARTICIPATE IN THE**  
**VRS LINE OF DUTY ACT FUND**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, For purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, It is the intent of Montgomery County, Virginia to make this irrevocable election to be a non-participating employer with respect to the Fund.

NOW, THEREFORE, BE IT IS RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds.

BE IT FURTHER RESOLVED, That the following entities,

Montgomery County, Virginia  
Riner Volunteer Fire Department  
Riner Volunteer Rescue Squad  
Elliston Volunteer Fire Department  
Shawsville Volunteer Rescue Squad  
Longshop/McCoy Volunteer Fire Department  
Longshop/McCoy Volunteer Rescue Squad

to the best of the knowledge of Montgomery County, Virginia, constitute the population of its past and present covered employees under the Line of Duty Act.

BE IT FURTHER RESOLVED, That as a non-participating employer, Montgomery County, Virginia agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of Montgomery County, Virginia on or after July 1, 2010.

BE IT FURTHER RESOLVED, That as a non-participating employer, Montgomery County, Virginia agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund.

BE IT FURTHER RESOLVED, That Montgomery County, Virginia shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

The vote on the foregoing resolution was as follows:

| <u>AYE</u>       | <u>NAY</u> | <u>ABSENT</u>      |
|------------------|------------|--------------------|
| Doug Marrs       | None       | Annette S. Perkins |
| John A. Muffo    |            |                    |
| Gary D. Creed    |            |                    |
| William H. Brown |            |                    |
| Mary W. Biggs    |            |                    |
| James D. Politis |            |                    |

**A-FY-11-115  
SCHOOL OPERATING FUND  
FEDERAL ARRA TITLE VI APPROPRIATION**

On a motion by Mary W. Biggs seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

|                    |           |
|--------------------|-----------|
| 610000 Instruction | \$670,657 |
|--------------------|-----------|

The source of funds for the foregoing appropriation is as follows:

| <u>Revenue Account:</u>    |           |
|----------------------------|-----------|
| ARRA Title VI Flow Through | \$670,657 |

Said resolution appropriates Federal ARRA Title VI funds designated for special education programs in the Schools.

The vote on the foregoing resolution was as follows:

| <u>AYE</u>       | <u>NAY</u> | <u>ABSENT</u>      |
|------------------|------------|--------------------|
| John A. Muffo    | None       | Annette S. Perkins |
| Gary D. Creed    |            |                    |
| William H. Brown |            |                    |
| Mary W. Biggs    |            |                    |
| Doug Marrs       |            |                    |
| James D. Politis |            |                    |

## **COUNTY ADMINISTRATOR'S REPORT**

The County Administrator reported on the following:

- Structural Assessment of County Facilities: A report on the structural assessment of county facilities is being finalized.
- County Government Center Security: A new security system is being installed at the Government Center. Scanners are being installed at all entrances and employees will be issued county ID badges in order to gain entrance to the building at some points. The public will only have access to the main level doors.

## **BOARD OF SUPERVISORS' REPORTS**

Supervisor Muffo reported the 24<sup>th</sup> annual Bike Virginia event is in the New River Valley this week. Approximately 1,600 cyclists from all 50 states and 12 countries traveled to the NRV to bike chosen routes. The event will bring in approximately \$3 million to the area in less than a week. On Tuesday, the bikers will ride the Huckleberry Trial.

Supervisor Creed asked for the status of the speed study request for Georges Run Road. The County Administrator stated he will contact VDOT to check the status.

Fourth of July Celebration: Supervisor Creed invited everyone to Shawsville's annual Fourth of July celebration. There are numerous events scheduled throughout the day including a parade, live auction, bluegrass music, and fireworks.

Supervisor Politis reported that the County's consolidated sites that border Floyd County are receiving trash from Floyd County residents. Apparently, Floyd County has eliminated several green box sites, so Floyd County residents are bringing their trash into Montgomery County. The Consolidated Site Attendants are noticing a difference in the amount of trash being received at these sites and asked what can be done. Supervisor Politis also reported there is a large amount of commercial dumping at the County's unmanned sites.

The County Administrator was authorized to look into the situation and determine what options are available to the County.

## **ADJOURNMENT**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, July 11, 2011 at 6:00 p.m.



The vote on the foregoing motion was as follows:

| <u>AYE</u>       | <u>NAY</u> | <u>ABSENT</u>      |
|------------------|------------|--------------------|
| John A. Muffo    | None       | Annette S. Perkins |
| Doug Marrs       |            |                    |
| Mary W. Biggs    |            |                    |
| William H. Brown |            |                    |
| Gary D. Creed    |            |                    |
| James D. Politis |            |                    |

The Board adjourned at 8:35 p.m.

APPROVED: \_\_\_\_\_  
James D. Politis  
Chair

ATTEST: \_\_\_\_\_  
F. Craig Meadows  
County Administrator